

Lewis County District Court
Local Court Rules

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Preface to Lewis County Local Court Rules

1. Promulgation. These rules shall be known as the Local Rules for the District Court of the State of Washington for Lewis County. Copies of these rules will be filed with the Office of the Administrator of the Courts, and the Clerk of the District Court for Lewis County. Copies of these rules will be distributed to all law offices in Lewis County and to the county Law Library for

public reference. To the extent possible, these rules will be placed on the Internet at the Lewis County District Court webpage. Copies will be available from the District Court Clerk for Lewis County. These rules as originally adopted were effective on September 1, 1998, and as amended or supplemented are effective on September 1, 2006, and supersede all prior rules of this court.

2. Numbering. Consistent with GR 7(b) Washington Court Rules, these rules, to the extent possible, conform in numbering system and in format to those rules adopted by the Supreme Court of the State of Washington for courts of limited jurisdiction and facilitate the use of the same. The number of each rule is preceded by the abbreviation "LL", designating the rule as a Lewis County Local Court Rule and as being supplemental to the corresponding Washington Court Rule for Courts of Limited Jurisdiction.

Adopted effective 9/1/98; amended effective 9/01/06

LLARLJ 1
Scope of Local Rules

These rules govern the procedure in the District Court of the State of Washington for Lewis County. These rules are supplemental to the rules enacted by the Washington State Supreme Court for courts of limited jurisdiction as specifically authorized by GR 7, CRLJ 83, CrRLJ 1.7, and IRLJ 1.3 of the Washington Court Rules. The court may modify or suspend any of these local rules in any given case upon good cause being shown or upon the court's own motion.

Adopted Effective 9/1/98

LLARLJ 2
Court Locations

The primary office of the District Court of the State of Washington for Lewis County shall be located in Chehalis, Washington, and the Court shall hold periodic sessions in Morton, Washington, and such other locations in Lewis County as the Court may decide best serves the interest of the people of Lewis County. All criminal and civil trials will be heard at Chehalis. Arraignments, small claim trials, infraction mitigation hearings, and contested infraction hearings not involving attorneys or subpoenaed witnesses may be scheduled for Morton if it is more convenient to all parties involved.

Adopted Effective 9/1/98: amended effective 9/01/06

LLARLJ 3
Scheduling

(a) Calendar. The Court Administrator shall develop and maintain a calendar for all hearings and trials.

(b) Priority. Whenever the case load of the court requires, trials and other matters will be subject to multiple settings on the same date. The order in which said matters proceed will be determined by the judge based on speedy trial rule in criminal cases, the age of the civil cases, and the availability of jurors.

(c) Transfer of Cases. If the caseload or other circumstances require, the court may appoint a Court Commissioner or Judge Pro Tempore to hear that trial or calendar of cases and may arrange for it to be heard in a location other than the usual courtroom.

Adopted effective 9/1/98

LLARLJ 5
Courtroom Decorum

All attorneys, litigants, witnesses, and other individuals in the courtroom shall abide by the following rules of conduct:

- (a) Always be prompt. Be in the courtroom ready to proceed at the appointed time.
- (b) Stand when the judge or the jury enters or leaves the courtroom.
- (c) Do not make personal attacks on opposing counsel or parties.
- (d) Do not interrupt. Wait your turn. Address all remarks to the Court. Argument between litigants or their attorneys is not permitted.
- (e) After the court has ruled, ask the court's permission before arguing further.
- (f) Rise when addressing the Court and when making objections as this calls the Court's attention to you.
- (g) Do not approach a witness or the jury without asking permission of the Court.
- (h) Dress appropriately to the serious nature of the matters before the court. Shorts and other kinds of beach apparel are not appropriate. Clothing advertising alcoholic beverages or illegal drugs are not appropriate. Hats are not to be worn in the courtroom unless required by religious custom and practice.

Adopted Effective Date 9/01/98; amended effective 9/01/06

LLARLJ 6
Return of Exhibits

Every exhibit admitted into evidence or marked for identification in any type of trial or other court proceeding, shall be returned to the party or attorney who produced that exhibit for identification. The return shall be made upon written application, not later than two weeks following the termination of the time allowed to take an appeal. Bulky exhibits not requested to be returned during that period may be delivered by the court clerk to the local police authority for disposition as abandoned property. If the exhibit is contraband or weapons, it shall be disposed of by destruction. No exhibit or identification shall be withdrawn or delivered without receipt being acknowledged by the receiving party.

Adopted effective 9/1/98

LLARLJ 7
Contact with jurors

No litigant or attorney shall have any contact with any venire person or juror pending discharge of the jury. Any requests by a litigant or an attorney for post-trial communication shall be conveyed to the juror through the bailiff. Contact shall only occur if the juror affirmatively indicates a willingness to meet with the litigant or the attorney. The bailiff shall advise the juror that there is no obligation to discuss any matter with the requesting party.

If the juror agrees to meet with the requesting party, the conversation shall occur in the courtroom. The bailiff shall be present to insure that the juror is not challenged, threatened, or harangued, and that such conversation will not improperly influence the juror in any future trial. Questions shall be limited to the basis of the jury's decision, critiques of counsel's performance, and any alleged juror impropriety.

No litigant or any attorney shall enter the jury room corridor or any jury room without explicit authorization from the bailiff.

Effective Date: 9/01/06

LLARLJ 9(g)
Disclosure of Public Records

The following records and files are deemed confidential and are not available to the public for inspection or copying absent a court order after notice and hearing:

1. Affidavits, transcriptions or electronic records for search warrants prior to the return of service of such warrant;
2. Affidavits, transcriptions or electronic records for arrest warrants prior to the returns of service of such warrant;

3. Pre-sentence or post-sentence investigation reports;
4. Mental health, psychiatric, and/or medical reports and records, unless admitted into evidence and not ordered sealed;
5. Alcohol, drug, and/or controlled substance evaluations unless admitted into evidence and not ordered sealed;
6. Certified and non-certified paper copies and/or electronic representations of driving and criminal records unless admitted into evidence;
7. Judge's notes and working documents, whether written or electronic.

Access to these confidential records and files is strictly limited to persons or entities authorized by statute or court order to obtain such records. Request for access to other court files shall be made in writing on the form provided by the Court and shall be granted or denied only by a judge, or their designee, who shall state the reasons for any denial in writing. No documents or electronic data may be removed from the court offices without the prior written order of the court. The requesting party will be required to pay in advance for time expended and costs involved in researching, copying, and/or transcribing the requested court files. Such research, transcription, and copying will be done on a time available basis.

Adopted effective 9/1/98; Amended rule effective 9/01/06

LLARLJ 10
Election of Presiding Judge

10.1 Election

In conformity with GR 29, on the first Monday, after January 15th, of every odd numbered year commencing in 2003, the Judges of the Lewis County District Court shall elect one of their number as Presiding Judge, and another of their number as Assistant Presiding Judge.

10.2 Conduct of Election

The election shall be conducted and witnessed by the Court Administrator and shall be by simple oral majority vote.

10.3 Term

The term of office will be for a period of two years in conformity with GR 29 (a) (2) and will be retroactive to January 1st of the year of the election.

10.4 Selection Criteria

The selection of said Presiding Judge shall be based on and in conformity with GR 29 (a) (5).

10.5 Transition

Between the date of the original adoption of this rule and the election of 2003, the Judges elected in conformity with ARLJ 6 on January 22nd, 2002, continued to serve as the Presiding Judges of

the Lewis County District Court.

Adopted Effective 5/01/02; adopted as amended effective 9/01/06

LLCRLJ 38(h)
Civil Trial Confirmation

(a) A date and time for a trial confirmation hearing shall be assigned to each case at the time it is set for trial. Trial confirmation hearings shall be held each Tuesday at 2:00 p.m. for the trials set for the following Thursday or Friday. Trial confirmation hearings shall be held each Thursday at 2:00 p.m. for those trials set for the following Monday, Tuesday, or Wednesday.

(b) It shall be the affirmative duty of all parties, and of their counsel, to advise the court at such hearing of their readiness to proceed to trial. Failure of a party to advise of the inability to proceed for any reason known on that date shall constitute a waiver of the right to request a continuance for that reason at a later date.

(c) The appearance of the litigants and of their counsel at trial confirmation hearings shall be mandatory unless a written confirmation of readiness on the form provided is filed with the court. Said confirmation form must be signed by a party or counsel not more than seven days prior to the hearing under penalty of perjury.

(d) Failure of any party to confirm in person or in writing will cause the trial date to be stricken. Civil litigants who fail to appear or confirm will be subject to such terms and costs as the Court determines to be reasonable.

(e) After confirmation, the failure of a party to appear at trial, or upon appearance, to be unable proceed with the trial, shall be treated as a motion for continuance, resulting in the dismissal of the jury panel, where applicable, and of the trial date. It may also constitute grounds for the dismissal of the charges and/or for the imposition of sanctions and terms against litigants and counsel.

Adopted effective 9/01/98; amended effective 9/01/06

LLCRLJ 87
Miscellaneous Proceedings Rules

LLCRLJ 87.1---Name Change Petitions

Those persons seeking to petition the Court for a change of name for themselves or those minors in their legal custody shall comply with the procedures and requirements set forth in the Lewis County District Court Name Change Brochure, herein adopted

by reference as a rule of this court. The brochure, as it currently exists or is hereafter amended, is available through the Clerk of the District Court and delineates the requirements that must be met in order for the petition to be granted.

Adopted effective 9/1/98; Amended rule effective 9/01/06

LLCRLJ 87.2--- Anti-Harassment Petitions

Those persons seeking to petition the Court for the entry of an Anti-harassment Order against another person shall comply with the procedures and requirements set forth in the Lewis County District Court Anti-harassment Brochure, herein adopted by reference as a rule of this court. The brochure, as it currently exists or is hereafter amended, is available through the Clerk of the District Court and delineates the requirements that must be met in order for either an emergency temporary order or an order to show cause may be granted and lead to the entry of a permanent order after notice and a hearing.

Adopted effective 9/1/98; Amended rule effective 9/1/06

LLCrRLJ 3.1(g) Waiver of right to counsel

Unless a written waiver of the defendant's right to counsel is signed by the defendant and filed with the Court, an attorney shall be appointed to represent the defendant at all stages of the proceedings. No criminal charge shall be set for trial involving a self represented defendant, unless such a signed waiver of counsel is filed with the Court.

Adopted effective 9/1/98; Amended rule effective 9/01/06

LLCrRLJ 3.2(v) Offenses for which Bail is not Allowed

- (1) No person arrested and taken into custody for a new domestic violence offense shall be released on bail prior to the first appearance in court. "Domestic violence" includes but is not limited to any of the misdemeanor or gross misdemeanor offenses listed in RCW 10.99.020(3) or a similar municipal ordinance, when committed by one family or household member against another. "Family or household members" are those persons listed in RCW 10.99.020(1) or a similar municipal ordinance.
- (2) No person arrested or taken into custody for a new offense of Harassment under RCW 10.14, and/or Stalking under RCW 10.46, shall be released on bail prior to the first appearance in court.

Adopted emergency rule effective 12/16/05; Permanent amended rule effective 9/01/06

LLCrRLJ 3.2 (w)
Bail Schedule

The Lewis County District Court shall periodically publish a bail schedule which will include the bail schedule and penalty schedule promulgated by the Supreme Court of the State of Washington. The schedule will also include appearance dates and times. The schedule will also be provided to all law enforcement agencies within Lewis County. The bail schedule shall be intended as a guideline but shall not be construed as limiting the authority of the Court in individual cases to set bail in a different amount.

Adopted emergency rule effective 12/16/05; Permanent rule effective 9/01/06

LLCrRLJ 3.3 (h)
Continuances Time for Trial

All motions for continuances shall be heard by notice and citation on the appropriate motion docket. Only in cases of extreme emergency and unforeseeable circumstances shall the presiding judge or the trial judge consider a motion for continuance without the proper notice and citation.

Adopted effective 9/1/98; Amended rule effective 9/01/06

LLCrRLJ 3.6(c)
Suppression Hearing Procedure

A party moving to suppress evidence must file a written motion that sets forth in detail the specific factual and legal grounds for the motion. The motion should be filed with the court at least seven (7) days prior to the pretrial hearing. Said motion shall be supported by an affidavit or declaration under penalty of perjury of a person with testimonial knowledge, setting forth the facts to be elicited at an evidentiary hearing. The matter will be set for evidentiary hearing only if the judge at a pretrial hearing finds that there are facts in dispute. A copy of the motion and supporting documents must be served on the opposing party at least five court days prior to the date set for hearing.

As a matter of professional courtesy, the parties shall file bench copies of all motions, affidavits, and memoranda at the time of filing of the original documents.

LLCrRLJ 4.3.1(d)
No Joinder of Civil and Criminal Matters

A person who is served with a criminal citation and notice or complaint, and who also receives one or more notices of infraction arising out of the same incident shall not have the dates for hearings thereon set together. No civil matter will be set for hearing on a criminal calendar. Each type of case will be set on the specific calendar established for that type of case.

Adopted effective 9/1/98; Amended rule effective 9/01/06

LLCrRLJ 4.5.1
Pretrial Procedures

(a) Duty of Parties.

It is the duty of the parties and their counsel to move expeditiously to seek resolution of these matters prior to trial. It is the strong policy of this court that the Rules of Professional Conduct require the completion of investigation, discovery, and plea negotiations prior to trial setting.

(b) Pre-trial Hearings

The Court shall set all cases where a plea of not guilty has been entered for a pretrial hearing approximately 45 days after the date of first appearance. Said hearing shall provide an opportunity for execution of plea negotiations, resolution of discovery issues and trial setting. All defendants must be present, with counsel, where applicable. Failure to appear for the pretrial hearing may result in the issuance of a warrant of arrest and/or forfeiture of any bail or bond.

It is strongly suggested that all negotiations be completed prior to this hearing since no time for additional negotiations will be available on the pretrial hearing calendar. All amendments to the charges and any pretrial motions except a motion in limine shall be made in writing and filed with the court at, or prior to, the pretrial hearing.

Following this hearing, if a pretrial disposition of any charge does not occur, an order shall be entered setting forth the following: trial date; trial confirmation date; discovery schedule; date of hearing on pretrial motions; and the date by which witness lists must be exchanged and filed.

(c) 3.5 Hearings

All demands for a CrRLJ 3.5 hearing on admissibility of statements or confessions must be made in writing and filed no later than the

pretrial hearing. The Court will set hearing dates for motions filed as part of that proceeding. See LLCrRLJ 3.6 for suppression motions.

(d) Imposition of Jury Costs

In order to efficiently schedule the calling of jurors, to avoid unnecessary disruptions of the jurors lives, and to further avoid the waste of public funds, the court will not, unless good cause is shown, permit the waiver of a jury trial nor the entry of a plea of guilty in a matter scheduled for jury trial after the date of the trial confirmation hearing unless the jury costs are imposed against the moving party.

(e) Trial Confirmation Hearing. See LLCrRLJ 6.1.1 (d)

Adopted effective 9/1/98; amended rule effective 9/01/06

LLCrRLJ 4.12
Duty to Notify Court and Witnesses

When a case docketed for trial or other hearing is settled, or for any reason will not proceed to hearing at the set time, the parties shall give notice of that fact immediately to the Court. It shall be the duty of each party to notify it's own witnesses, not only of the date and time of the trial, but also of continuances, pre-trial hearings, motions, and other proceedings. The Court will not pay witness fees to witnesses who appear for a trial or hearing which has been continued or settled. Such costs shall be borne by the party or attorney who called or subpoenaed the witness.

Adopted effective 9/1/98; Amended rule effective 9/1/06

LLCrRLJ 6.1.1(d)
Criminal Trial Confirmation

(a) A date and time for a trial confirmation hearing shall be assigned to each case at the time it is set for trial. Trial confirmation hearings shall be held each Tuesday at 2:00 p.m. for the trials set for the following Thursday or Friday. Trial confirmation hearings shall be held each Thursday at 2:00 p.m. for those trials set for the following Monday, Tuesday, or Wednesday.

(b) It shall be the affirmative duty of all parties, and of their counsel, to advise the court at such hearing of their readiness to proceed to trial. Failure of a party to advise the Court of their inability to proceed for any reason known on that date shall constitute a waiver of the right to request a continuance for that reason at a later date.

(c) The appearance of criminal defendants at trial confirmation hearings shall be mandatory unless a written confirmation of readiness on the form provided is filed with the

court. Said confirmation form must be signed by the defendant not more than seven days prior to the hearing, and by the defendant's attorney, under penalty of perjury. The plaintiff may confirm in person or in writing on the form provided, by signature under penalty of perjury.

(d) Failure of any party to confirm in person or in writing will cause the trial date to be stricken. Criminal defendants who fail to appear or confirm in writing shall be subject to the issuance of a warrant of arrest, upon a showing of probable cause.

(e) After confirmation, the failure of a criminal plaintiff or defendant to appear at trial, or upon appearance, to be unable proceed with the trial, shall be treated as a motion for continuance, resulting in the dismissal of the jury panel, where applicable, and of the trial date. It may also constitute grounds for the issuance of a warrant of arrest, for the dismissal of the charges or for the imposition of sanctions and terms, including jury fees, against litigants and counsel.

Adopted effective 9/1/98; Amended rule effective 9/01/06

LLCrRLJ 7.2(f)
Pre-sentence Reports

In every case where the defendant has been found guilty by the trier of fact after trial or by virtue of a guilty plea, of the crimes of DUI, Physical Control, DWLS 1st, or Assault in the Fourth Degree, a pre-sentence report shall be automatically be ordered by the Court.. There shall be included in this report the results of any alcohol, drug, or domestic violence evaluations which has been ordered. The costs of the preparation of the report shall be assessed against the convicted person as part of the judgment and sentence. Failure of the defendant to cooperate in the preparation of the report including ordered evaluations shall result in the issuance of a bench warrant requiring the defendant to be held in custody until sentencing is completed.

Adopted effective 9/1/98; Amended rule effective 9/01/06

LLCrRLJ 7.2(g)
Deferred Prosecution Form

A petition for deferred prosecution pursuant to RCW 10.05 must be filed with the Court no later than seven (7) days prior to the Trial Confirmation Hearing unless good cause exists for delay. Said petition and the accompanying declarations shall be in a form acceptable to the Court and in conformity with Chapter 10.05 RCW. The order deferring prosecution shall require as a minimum: supervision by the LCDC Probation Department for 24 months, including monthly face-to-face meetings; payment of the costs of

supervision, no conviction for any criminal offense; and compliance with all of the terms of any proposed treatment plan.

In cases involving a finding of addiction to alcohol or drugs, the order shall additionally prohibit the consumption of alcohol or drugs for a period of five years unless prescribed by a physician, and attendance at a victim impact panel within a specified period of time, and completion of the outlined treatment program.

In cases involving offenses involving the operation of motor vehicles, the order shall also include requirements that the defendant, during the period of deferral, not operate a motor vehicle unless properly licensed and insured, be convicted of no criminal traffic offenses, and comply with all DOL requirements regarding that the defendant only operate a motor vehicle equipped with an ignition interlock device.

Adopted effective 9/1/98; amended rule effective 9/01/06

LLCrRLJ 7.2(h)
Deferred Prosecutions and Orders of Continuance

Required demonstration of amenability to treatment (Effective 11/01/06)

(1) Prerequisites to entry of Order

An order deferring prosecution of a criminal charge will not be entered absent sufficient evidence that the Petitioner has demonstrated her/his amenability to treatment by successfully completing two months of treatment in the proposed program. Successful completion means that the Petitioner is fully compliant with every requirement of the treatment program, and has remained so at all times during that two month period. The Order granting such a petition will not be signed unless the petitioner is physically present in the courtroom. The requirement of the presence of the Defendant is to allow inquiry of the petitioner by the Court to determine whether the petitioner is amenable to treatment and whether the Court, in conformity with the statute, will grant such a petition. The order deferring prosecution of a criminal charge will not be granted until after the completion of a standardized risk evaluation to determine the level of supervision appropriate to that petitioner.

(2) Alcohol Related Driving Offenses

No alcohol related driving offense, including DUI, Actual Physical Control, Negligent Driving in the First Degree, or Minor Driving after Consuming, Will be resolved except by plea of guilty to the original charge, plea of guilty to an amended charge, dismissal, trial, or under the terms of an RCW 10.05 "Order of Deferred Prosecution".

(3) AOC's/SOC's

The Court will no longer be a party to any form of agreement between the Plaintiff and the Defense, whether designated "Agreed Orders of Continuance", "Stipulated Orders of Continuance" or by any other name. Neither the District Court nor its probation department shall have a duty to supervise, monitor, or oversee performance of any agreement entered into by the parties relating to such continuances. Those agreements may be filed with the Court as grounds for

continuance of the time for trial only.

LLCrRLJ 8.2
Motions

Rules CrRLJ 3.5 and 3.6, and CRLJ 7(b) shall govern motions in criminal cases. Unless a motion is made during a hearing or trial, it shall be made in writing, shall state with particularity the grounds therefore, shall state the statute, case decision, or court rule that supports the motion, and set forth the relief or order requested. Timing and notice requirements are governed by CrRLJ 8.1(c) and local rule LLCrRLJ 4.5.

As a matter of professional courtesy, the parties will file with the Court bench copies of motions and memoranda along with the originals documents.

Adopted effective 9/1/98: Amended rule effective 9/01/06

LLCrRLJ 8.4 (f)
Deferred Prosecutions and Orders of Continuance

Adopted effective 9/1/98; Currently modified by Emergency rule 1/01/06

Rescinded effective 9/01/06; See LLCrRLJ 7.2 (h)

LLCrRLJ 8.5
Return of Exhibits

See LLARLJ 6.

EFFECTIVE DATE 9/1/98

LLIRLJ 3.2(b)
Motion for Vacation of Default Judgment for FTA

A defendant, against whom a judgment for a traffic infraction has been entered by default for failure to appear, may file a motion in writing, on forms provided by the court, requesting that said default judgment be set aside. The motion will then be set for hearing. Defendant must be present. The motion will be evaluated

in conformity with CRLJ 60(b). If the Court grants said motion, the matter will be set for a hearing of the kind requested by the defendant. Mitigation hearings may be heard at the time of the motion if the calendar allows.

Adopted effective: 9/1/98; amended rule effective 9/01/06
